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THE FOLLOWING HEARING WAS BIFURCATED & DEFERRED FROM 9/14/05 TO THIS DATE:

HEARING NO. 05-1-CZ12-7 (04-374)

23-54-40  
Council Area 12  
Comm. Dist. 7

APPLICANT: PANCHO MENENDEZ LAND TRUST II, ET AL.

GU, RU-1, RU-4M & IU-1 to RU-4L

SUBJECT PROPERTY: A portion of Florida East Coast Railway's Right-of-Way, in Section 23, Township 54 South, Range 40 East, lying 491.76' south of the Southern boundary of S.W. 40<sup>th</sup> Street (Bird Road), said right-of-way line lying 50' south of the north line of said Section 23, also being the north line of said Section 23 and bounded on the west by a line parallel to and 50' east of the centerline of the Florida East coast Railway main line track as now established and bounded on the south of the south line of the north ½, of the NE ¼, of said Section 23 and north line of Tract "D" of LUDLAM POINT FIRST ADDITION, Plat book 129, Page 84 and bounded on the east by the west line of Lots 19 through 34, in block 6, of BYRWOOD, Plat book 27, Page 26; also being bounded on the east by the west line of Lots 1 through 14 and the S/ly extension thereof, of EL ESCORIAL, Plat book 92, Page 71, said boundary being the west line of the east ½, of the NE ¼, of said Section 23 less the north 541.76' thereof and less the south 240' thereof. A/K/A: That portion of the NW ¼, of the NE ¼ of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of the Florida East Coast Railway main track as now established, less the north 541.71' thereof and less the south 240' thereof. AND: The north 25' of the SW ¼, of the NE ¼, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway main track as now established together with the south 215' of the NW ¼, of the NE ¼, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway Main Track as now established. AND: Lots 19 & 20 and the north 5' of Lot 21, in Block 6, of BYRWOOD, Plat book 27, Page 26.

LOCATION: Lying approximately 491' south of S.W. 40 Street (Bird Road), west of S.W. 69 Avenue and east of the Florida East Coast Railway Right-of-Way, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.22± Acres

GU (Interim)  
RU-1 (Single-Family Residential)  
RU-4M (Modified Apartment House 35.9 units/net acre)  
RU-4L (Limited Apartment House 23 units/net acre)  
IU-1 (Industry – Light)

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APPLICANT: WILLIAMSON 104 L. L. C.

- (1) MODIFICATION of Condition #2 of Resolution #Z-23-98, passed and adopted by the Board of County Commissioners, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Boundary Survey,' as prepared by Florida International, Inc. Land Surveyors, dated 3/25/96, and plans entitled 'Williamson Cadillac,' as prepared by Spillis, Candela and Partners, dated/stamped/received April 13, 1998 and consisting of 5 sheets."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Williamson Cadillac,' as prepared by Arden Architectural Group, Inc., sheets A-1.2 and A-1.3 last revised 7-21-05 and A-3.1 & A-5.1 revised 3/3/05 and L-1 through L-3 revised 3/23/05 as prepared by Alex Knight Landscape Architect for a total of 7 sheets."

- (2) MODIFICATION of Paragraph #1 of the Declaration of Restrictions recorded in Official Record Book 19037, Pages 3733 through 3743, and reading as follows:

FROM: "1. Site Plan. The property shall be developed in accordance with the site plan entitled 'Williamson Cadillac,' as prepared by Spillis, Candela & Associates, dated April 13, 1998 (the 'Site Plan')."

TO: "1. Site Plan. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Williamson Cadillac,' as prepared by Arden Architectural Group, Inc., sheets A-1.2 and A-1.3 last revised 7-21-05 and A-3.1 & A-5.1 revised 3/3/05 and L-1 through L-3 revised 3/23/05 as prepared by Alex Knight Landscape Architect for a total of 7 sheets."

The purpose of the requests is to permit the applicant to submit a new site plan to indicate the enclosure of an existing open covered area to be used as a showroom area and provide additional vehicle storage/display area.

- (3) USE VARIANCE to permit a charitable collection site in the IU-1 zone as would be permitted in the BU-1 zone.
- (4) Applicant is requesting to permit a one-way drive 11' wide (14' required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 & #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing and approval of request #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

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HEARING NO. 05-11-CZ12-1 (05-75)

3-55-40  
Council Area 12  
Comm. Dist. 7

APPLICANT: WILLIAMSON 104 L. L. C.

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The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A," KENDALL CONCOURSE, Plat book 123, Page 67.

LOCATION: 7815 S.W. 104 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.4 Acres

PRESENT ZONING: IU-1 (Industry – Light)

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APPLICANTS: HECTOR GARCIA, ET AL

- (1) Applicant is requesting to permit proposed lot 1 with a lot coverage of 17.88% and proposed lots 2 & 3 with a lot coverage of 20.39% each (15% permitted for a 2-story residence).
- (2) Applicant is requesting to waive the zoning regulations requiring parcels to have 125' frontage on a dedicated street; to permit proposed lots 2 & 3 each with 0' frontage on a dedicated street with access through a private easement.

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Custom Residence for Southern Homes," as prepared by SA Group, consisting of 15 pages: 3 pages entitled SP-1 are dated stamped received 8/12/05 and the remaining 12 pages are dated stamped received 6/30/05. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east  $\frac{1}{2}$  of the east  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , less the north 35' and less the east 25' for the right-of-way in Section 16, Township 55 South, Range 40 East.

LOCATION: The Southwest corner of S.W. 120 Street & S.W. 94 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.985 Gross Acres

PRESENT ZONING: EU-1 (Estates 1 Family 1 Acre Gross)

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APPLICANT: CSMB CONDOMINIUM L. L. C.

- (1) MODIFICATION of Condition #2 of Resolution CZAB12-8-97, passed and adopted by the Community Zoning Appeals Board 12, only as applied to subject property, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled a 'Kendall Resort Hotel,' as prepared by Fergis & Selck Architects, P. A., consisting of Sheets 1 & 2 revised, dated stamped received 10-14-97, Sheet 3 dated revised 7-31-97, Sheet 4 dated revised 6-6-97, and Sheet 5 dated 1-7-97; and plans entitled 'Planting Plan & Plant List,' prepared by Rosenberg Design Group, dated 8-21-97."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall Resort Hotel,' as prepared by Fullerton Diaz Architects, Inc. consisting of 9 sheets and Witkin Design Group consisting of 4 sheets; 2 sheets dated stamped received 9/2/05 and Sheet A-1 dated stamped received 10/7/05."

REQUEST #1 ON EXHIBIT "A"

- (2) DELETION of Declaration of Restrictions, recorded in Official Records Book 17833 at Pages 2617-2625.

REQUEST #2 ON EXHIBITS "A" & "B"

The purpose of requests #1 & #2 is to allow the applicant to reduce the size of the property of the existing hotel site, to submit new site plans for the hotel and to build according to the underlying zoning.

- (3) Applicant is requesting to permit a building setback 21'10" (25' required) from the interior side (south) property line.

REQUEST #3 ON EXHIBIT "A"

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 & #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(7) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

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APPLICANT: CSMB CONDOMINIUM L. L. C.

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SUBJECT PROPERTY: EXHIBIT "A": A portion of Tract "A," and all of Tract "B," SUNRISE CLUB, Plat book 105, Page 1, and a portion of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 4, Township 55 South, Range 40 East, being more particularly described as follows:

Begin at the Northeast corner of said Tract "A" of SUNRISE CLUB; thence run S00°13'39"W, along the east line of said Tract "A," for 770.71'; thence N89°36'52"W, along a line 171.5' south of and parallel with as measured at right angles to the south line of said Tract "A," for 280'; thence N00°13'39"W for 32.47'; thence N89°36'52"W, along a line 139.03' south of and parallel with as measured at right angles to, the south line of said Tract "A," for 101.8'; thence N00°23'8"E for 168.03'; thence N44°36'52"W for 47.08'; thence N89°36'52"W, along a line 62.29' north of and parallel with, as measured at right angles to, the south line of said Tract "A," for 231.96'; thence due north, along the E/ly right-of-way line of S.W. 92<sup>nd</sup> Avenue, for 500' to a Point of curvature of a circular curve concave to the Southeast; thence run N/ly, NE/ly and E/ly along the arc of a circular curve to the left, having a radius of 25' and a central angle of 90°27'31" for an arc distance of 39.47' to a Point of tangency; thence S89°32'29"E, along the south right-of-way line of S.W. 88<sup>th</sup> Street (North Kendall Drive), for 623.44' to the Point of beginning (said last mentioned 3 courses being coincident with the W/ly and N/ly boundary line of said Tract "A"). AND: EXHIBIT "B": A portion of Tract "A," SUNRISE CLUB, Plat book 105, Page 1, and a portion of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 4, Township 55 South, Range 40 East, being more particularly described as follows:

Commence at the Northwest corner of the NE  $\frac{1}{4}$  of said Section 4; thence run south, along the west line of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 4 and the centerline of S.W. 92<sup>nd</sup> Avenue, for 794.13'; thence S89°36'52"E for 35' to a point on the E/ly right-of-way line of said S.W. 92<sup>nd</sup> Avenue, and the Point of beginning of the following described parcel of land; thence continued S89°36'52"E for 263.9'; thence N00°23'08"E for 168.03'; thence N44°36'52"W for 47.08'; thence N89°36'52"W for 231.96' to a point on the said E/ly right-of-way line of said S.W. 92<sup>nd</sup> Avenue; thence due south, along the last described course, for 201.32' to the Point of beginning.

LOCATION: 9100 North Kendall Drive, Miami-Dade County, Florida.

SIZE OF PROPERTY: 11.18± Acres

PRESENT ZONING: RU-4A (Apartments 50 units/net acre, hotel/motel 75 units/net acre)

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APPLICANTS: JOSE LUIS & KARIN VAZQUEZ

- (1) Applicant is requesting to permit a detached garage in front of the principal structure (not permitted) and setback 25' (75' required) from the front (north) property line on a dual frontage lot.
- (2) Applicant is requesting to permit a swimming pool in front of the principal structure (not permitted) and setback 21'5" (75' required) from the front (north) property line on a dual frontage lot.
- (3) Applicant is requesting to waive the zoning regulations requiring section line rights-of-way to be 80' in width, to permit 25' of dedication (40' required) for the west side of S.W. 47 Avenue.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 & #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and request #3 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Vazquez Residence," as prepared by Michael Alan Fine, Architect, consisting of 8 pages: Pages A-1 dated revised 6/21/05 and A-2 & A-4 dated revised 7/25/05 and the remainder of the pages dated stamped received 6/6/05. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east 100' of Lot 2, Block "B," GRANADA PARK, Plat book 23, Page 28, AND: Begin at the Northeast corner of the north ½ of the SE ¼ of the NE ¼ of Section 31, Township 54 South, Range 41 East; thence run south 105'; west 125'; thence north 105'; thence east 125' to the Point of beginning, less the east 25'.

LOCATION: 4701 S.W. 76 Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.35 Acre

PRESENT ZONING: RU-1 (Single-Family Residential)

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